



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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A2205015

Application of Southern California Gas Company (U
904 G) for Authority, Among Other Things, to Update
its Gas Revenue Requirement and Base Rates
Effective January 1, 2024.

Application 22-05-015

And Related Matter.

Application 22-05-016

**MOTION TO COMPEL SOUTHERN CALIFORNIA GAS COMPANY AND SAN
DIEGO GAS & ELECTRIC COMPANY TO PROVIDE INFORMATION REQUESTED
IN QUESTIONS 4 AND 5 IN CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE
NINTH SET OF DATA REQUESTS**

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Attorneys for CEJA

Dated February 1, 2023.

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Pursuant to California Public Utilities Commission (“CPUC” or “Commission”) Rule of Practice and Procedure 11.3, California Environmental Justice Alliance (“CEJA”) respectfully moves to compel Southern California Gas Company (“SoCalGas”) and San Diego Gas & Electric Company (“SDG&E”) (collectively “Sempra Utilities”) to respond to Questions 4 and 5 in CEJA’s Ninth Set of Data Requests to SoCalGas in this proceeding, which CEJA served on the Sempra Utilities on October 28, 2022.¹ These questions seek basic, high-level information regarding matters for which the Sempra Utilities retained outside counsel in 2021 that contribute to the revenue requirement request. In compliance with Rule 11.3(a), CEJA met and conferred with the Sempra Utilities on December 20, 2022 and were unable to resolve this discovery dispute.

I. INTRODUCTION

The Sempra Utilities seek recovery of legal expenses, including outside counsel costs ranging from approximately \$35–\$40 million per year over the course of this General Rate Case (“GRC”) period.² Basic information regarding the matters for which the Utilities have retained outside counsel is essential to determining whether these costs are appropriately borne by ratepayers. As one example, SoCalGas’ General Order (“G.O.”) No. 77-M reports indicate it retained the law firm Reichman Jorgensen LLP at approximately the same time this law firm

¹ CEJA’s Proposed Order is attached to this motion as Attachment A.

² Ex. SCG-23-R/SDG&E-27-R, Revised Prepared Direct Testimony of Derick R. Cooper (Corporate Center – General Administration), at DCR-45, Table DC-3C.

filed a lawsuit on behalf of the California Restaurant Association challenging the City of Berkeley's ban on gas connections in new construction. Through discovery, CEJA confirmed that Reichman Jorgensen LLP is being paid with ratepayer funds.³ Yet SoCalGas refused to answer whether "any of these costs include legal services related to potential federal preemption of local ordinances banning gas connections in new construction and/or legal challenges to local gas bans for new construction such as in *Cal. Restaurant Ass'n v. City of Berkeley*."⁴ SoCalGas' refusal to answer this question is concerning, given its history of attempting to use ratepayer funds to advance its anti-electrification efforts through third parties, such as its formation of the front group Californians for Balanced Energy Solutions.⁵ Indeed, the Commission recently sanctioned SoCalGas for using ratepayer funds to oppose local government adoption of all-electric reach codes and ordered the Utility Audits Branch to examine inappropriate expenditures of ratepayer funds on advocacy against stringent codes and standards that SoCalGas conducted in partnership with industry trade associations.⁶ Here, understanding the matters for which SoCalGas is engaging outside counsel is necessary to prevent the continued misuse of customer funds to obstruct climate action.

The Commission should compel SoCalGas to provide the information requested in CEJA Data Request CEJA-SEU-009, Questions 5(a) and (b), which ask for the matters Reichman Jorgensen LLP worked on for SoCalGas using ratepayer funds, and specifically, whether their legal services relate to local ordinances banning natural gas connections and litigation by the California Restaurant Association. The Commission should also compel SoCalGas to answer CEJA Data Request CEJA-SEU-009, Question 4, which more broadly asks for the identification of all matters for which SoCalGas, SDG&E or Sempra retained outside counsel in 2021 that contribute to the revenue requirement request, and the costs incurred related to each matter. The

³ Attach. B, SoCalGas Response to DR CEJA-SEU-008, Q. 12; SoCalGas Response to DR CEJA-SEU-004, Q. 41(a) (indicating the four accounts containing legal expenses from its 2020 GO-77-M Report that are included in the SoCalGas TY 2024 GRC).

⁴ Attach. B, SoCalGas Supplemental Response to DR CEJA-SEU-009, Q.5(b).

⁵ See generally *In the Matter of the Public Advocates Office Investigation Pertaining to Southern California Gas Company's Accounting Practices, Use of Ratepayer Monies to Fund Activities Related to Anti-Decarbonization and Gas Throughput Policies, and Related Matters*, (June 23, 2020), https://www.publicadvocates.cpuc.ca.gov/uploadedFiles/Content/Press_Room/CalAdvocates%20Motion%20for%20Contempt%20and%20Sanctions%20with%20Exhibits%20-%2006-23-20.pdf.

⁶ D.22-04-034, *Decision Different of Commissioner Rechtschaffen*, at 17–18, 35, 47 (Apr. 7, 2022), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M468/K751/468751269.PDF>.

Sempra Utilities have offered little more than boilerplate objections to CEJA’s data requests for such information, claiming that the information requested is protected by attorney-client privilege and work product doctrine, and that the information is also irrelevant, outside the scope of its testimony, and/or unlikely to lead to the discovery of admissible evidence.⁷ The Commission should not subscribe to the Sempra Utilities’ theory of attorney-client privilege, under which all customer-funded attorney expenditures by utilities would be a black box that evades scrutiny.

Moreover, CEJA’s data requests do not seek attorney-client communications or work product, but rather the type of high-level description that is provided in a privilege log. Because CEJA only seeks information on legal matters for which the Sempra Utilities request their customers pay for, this information is also directly relevant to this proceeding. The objections to CEJA’s discovery are without merit and consistent with SoCalGas’ troubling history of specious attorney-client privilege claims as a method of stonewalling and delaying discovery.⁸

II. FACTUAL BACKGROUND

A. The Attorney Expenditures Identified in Questions 4 and 5

In joint testimony, the Sempra Utilities identify \$39,570,000 spent on “outside legal” counsel in 2021, and forecasts a similar amount annually throughout the GRC period, decreasing incrementally to \$35,122,000 in outside legal costs in 2024.⁹ To evaluate whether these costs should be ratepayer funded, CEJA asked the Sempra Utilities in Question 4 of CEJA’s Ninth Data Request to “identify all matters for which SoCalGas, SDG&E or Sempra retained outside counsel in 2021 that contribute to the revenue requirement request, and the costs incurred related to each matter.”¹⁰

⁷ *Id.* at Q. 4–5.

⁸ *See, e.g.*, Minute Order Ruling on Mot. Of Private Plaintiffs for Monetary, Evidentiary, and Issue Sanctions and an Adverse-Inference Jury Instructions, at 3, 18, *Gandsey v. S. Cal. Gas Co.*, No. BC601844 (Cal. Super. Ct. Feb 20, 2020) (“Gandsey Order”) (finding that SoCalGas, “through their counsel, stonewalled over an extended period of this litigation by misusing claims of privilege to attempt to throw Plaintiffs’ counsel off the track with respect to documents to which they were entitled,” after SoCalGas claimed attorney-client privilege over 771, 358, and 4,000 documents in groups where, respectively, only 6, 32, and 176 documents were ultimately subject to the privilege), [https://www.publicadvocates.cpuc.ca.gov/uploadedFiles/Content/Press_Room/SoCalGas_Investigation_Documents/Ruling%20in%20Gandsy%20v%20SoCal%20Gas\(1\).pdf](https://www.publicadvocates.cpuc.ca.gov/uploadedFiles/Content/Press_Room/SoCalGas_Investigation_Documents/Ruling%20in%20Gandsy%20v%20SoCal%20Gas(1).pdf).

⁹ Ex. SCG-23-R/SDG&E-27-R, Revised Prepared Direct Testimony of Derick R. Cooper (Corporate Center – General Administration), at DCR-45, Table DC-3C.

¹⁰ Attach. B, SEU Supplemental Response to DR CEJA-SEU-009, Q. 4.

Question 5 relates to SoCalGas' retention of the law firm Reichman Jorgensen LLP, which represents the California Restaurant Association in a lawsuit challenging the City of Berkeley's ban on gas connections in new buildings. Question 5(a) requested that SoCalGas identify the matter that Reichman Jorgensen worked on associated with a specific charge of \$1,143,592 to account 923, which SoCalGas identified as a ratepayer cost in response to a prior data request, and to provide a breakdown of matters if the firm worked on more than one.¹¹ Question 5(b) asked SoCalGas specifically if any of its costs for retaining Reichman Jorgensen LLP "include legal services related to potential federal preemption of local ordinances banning gas connections in new construction and/or legal challenges to local gas bans for new construction such as in *Cal. Restaurant Ass'n v. City of Berkeley* (Docket Nos. 3:19-cv-07668, N.D.Cal. and 21-16278, 9th Cir.)."¹²

B. SoCalGas' Retention of Reichman Jorgensen LLP and the California Restaurant Association's Challenge to Berkeley's Gas Ban Ordinance

SoCalGas' retention of Reichman Jorgensen aligns with the timing of Reichman Jorgensen's representation of the California Restaurant Association in its challenge of the City of Berkeley's gas ban ordinance. Reichman Jorgensen begins appearing on SoCalGas' GO-77-M Reports in 2020. In 2020, SoCalGas paid the firm \$1,786,838 from Account 417.¹³ In its 2021 GO-77-M Report, SoCalGas reported paying Reichman Jorgensen a total of \$1,668,791 from Accounts 107, 184, 417, and 923, with \$1,143,592 assigned to Account 923.¹⁴ According to SoCalGas, Accounts 107, 184 and 923 are ratepayer funded.¹⁵

The City of Berkeley adopted its ordinance banning gas connections in new buildings in July 2019 to go into effect January 1, 2020.¹⁶ The California Restaurant Association, represented by Reichman Jorgensen, filed its complaint challenging the ordinance on federal and state preemption grounds in the U.S. District Court for the Northern District of California on

¹¹ *Id.* at SEU Supplemental Response to DR CEJA-SEU-009, Q. 5(a); SEU Response to DR CEJA-SEU-008, Q. 12.

¹² *Id.* at SEU Supplemental Response to DR CEJA-SEU-009, Q. 5(b).

¹³ Attach. C, Semptra 2020 GO-77-M Report.

¹⁴ *Id.* at Semptra 2021 GO-77-M Report.

¹⁵ Attach. B, SoCalGas Response to DR CEJA-SEU-004, Q.41(a).

¹⁶ City of Berkeley Ord. 7672-NS (July 2019), https://localenergycodes.com/download/1306/local_government_adoption_ordinance/fieldList/Berkeley%202019%20All-Electric%20-%20Ordinance%207672.pdf.

November 21, 2019.¹⁷ The District Court dismissed the complaint in July 2021, and the California Restaurant Association filed an appeal at the Ninth Circuit in August 2021.¹⁸

C. CEJA's Good Faith Efforts to Resolve the Discovery Dispute

The Sempra Utilities objected to Questions 4 and 5 as protected by attorney-client privilege or work product doctrine, and/or on the grounds that the requests seek information that is irrelevant, outside the scope of testimony, a matter of public record equally accessible to CEJA, and/or unlikely to lead to the discovery of admissible evidence.¹⁹

In an attempt to resolve this and other discovery disputes, CEJA reached out to the Sempra Utilities on December 8, 2022 via email to schedule a meet and confer.²⁰ The parties met on December 20, 2022 via video conference, shortly after which CEJA's counsel sent an email memorializing the outcome, including that SoCalGas' counsel indicated they would review their objections and either provide the requested information or let CEJA know if they continued to object to the questions.²¹ On January 20, 2023, SoCalGas posted supplemental discovery responses to its online discovery portal for Questions 4 and 5. The supplemental discovery response to Question 4 reaffirmed SoCalGas' objections, but stated that notwithstanding those objections, SoCalGas would "provide CEJA with a list of public litigation proceedings active in 2021 for which SoCalGas or SDG&E retained outside counsel to serve as counsel of record in such proceedings, where the costs of such representation are sought in the respective Company's TY 2024 GRC revenue requirement request."²² With regard to Question 5, the supplemental response reaffirmed SoCalGas' original objections and noted that "Reichman Jorgensen LLP is not counsel of record for SoCalGas in any public proceeding responsive to this request."²³ In contrast to its continued refusal to answer Question 5, SoCalGas' supplemental response clarified its answer to Question 6(b), which asked whether its expenses for the law firm Holland

¹⁷ Case No. 3:19-cv-07668, California Restaurant Association's Complaint for Declaratory and Injunctive Relief, (N. D. Cal., Nov. 21, 2019), http://climatecasechart.com/wp-content/uploads/sites/16/case-documents/2019/20191121_docket-319-cv-07668_complaint-1.pdf.

¹⁸ *Cal. Rest. Ass'n v. City of Berkeley*, No. 21-16278, Plaintiff-Appellant's Opening Brief, at 5 (9th Cir., Nov. 3, 2021), http://climatecasechart.com/wp-content/uploads/sites/16/case-documents/2021/20211103_docket-21-16278_brief.pdf.

¹⁹ Attach. B, SEU Supplemental Response to DR CEJA-SEU-009, Q. 4–5.

²⁰ Attach. D, Email from Matt Vespa to Sharon Cohen and Elliott Henry (Dec. 8, 2022).

²¹ Attach. D, Email from Matt Vespa to Sharon Cohen and Elliott Henry (Dec. 20, 2022).

²² Attach. B, SEU Supplemental Response to DR CEJA-SEU-009, Q. 4.

²³ *Id.* at Q.5(a).

& Knight related to the 2022 Title 24 Building Code. While SoCalGas had initially responded that Holland & Knight “did not represent SoCalGas in the 2022 Title 24 Building Code proceeding,” its supplemental response of “No” was fully responsive to the question.

III. LEGAL BACKGROUND

A. Attorney-Client Privilege and Work Product Doctrine

Attorney-client privilege protects “confidential communication between client and lawyer” from disclosure during discovery.²⁴ A party claiming attorney-client privilege “has the burden of establishing that a particular document is privileged.”²⁵ Parties claiming attorney-client privilege are responsible for producing privilege logs with descriptions of the documents that “must be sufficiently specific to allow a determination of whether each withheld document is or is not [in] fact privileged.”²⁶ Generally speaking, “a privilege log typically should provide the identity and capacity of all individuals who authored, sent, or received each allegedly privileged document, the document’s date, a brief description of the document and its contents or subject matter sufficient to determine whether the privilege applies, and the precise privilege or protection asserted.”²⁷ Descriptions supplied in a privilege log do not waive attorney-client privilege over the documents or communications they reference.

Work product doctrine is similar to attorney-client privilege, but protects the work product of attorneys from disclosure during discovery, rather than communications between the attorney and client. The work product doctrine provides absolute protection from disclosure for any “writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories,” and offers qualified protection for attorneys’ work product other than writings “unless the court determines that denial of discovery will unfairly prejudice the party seeking discovery in preparing that party’s claim or defense or will result in an injustice.”²⁸ Much like attorney-

²⁴ Cal. Evidence Code § 954.

²⁵ *San Diego Prof’l Ass’n v. Superior Ct.*, 58 Cal.2d 194, 199 (1962); *see also* Cal. Code of Civ. Proc. § 2031.240(c)(1) (“If an objection is based on a claim of privilege or a claim that the information sought is protected work product, the response shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log.”).

²⁶ *Wellpoint Health Networks v. Superior Ct.* (1997) 59 Cal. App. 4th 110, 130.

²⁷ *Catalina Island Yacht Club v. Superior Ct.* (2015) 242 Cal. App. 4th 1116, 1130.

²⁸ Cal. Code of Civ. Proc. § 2018.030; *see also* *Petaluma v. Superior Ct.* (2016) 248 Cal. App. 4th 1023, 1033.

client privilege, a party objecting to discovery on the basis of the work product doctrine has the burden of establishing that the doctrine applies.²⁹

B. Legal Standard for Discovery

Both California Code of Civil Procedure Section 2017.010 and CPUC Rules of Practice and Procedure Rule 10.1 identically provide that “any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved . . . if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. . . .” “In the context of discovery, evidence is ‘relevant’ if it might reasonably assist a party in evaluating its case, preparing for trial, or facilitating a settlement. Admissibility is *not* the test, and it is sufficient if the information sought might reasonably lead to other, admissible evidence. Any doubts regarding relevance are generally resolved in favor of allowing the discovery.”³⁰ Because of the breadth of the standard of discovery relevance, “[m]uch of the information that surfaces during pretrial discovery may be unrelated, or only tangentially related, to the underlying cause of action.”³¹ Thus, California’s civil discovery law “authorizes inquiry into even irrelevant matters so long as their revelation may lead to the discovery of admissible evidence.”³² This broad scope of discovery imposes a duty on the Sempra Utilities to provide “complete and straightforward” responses to CEJA’s discovery requests.³³

IV. ARGUMENT

A. The Sempra Utilities Cannot Use the Attorney-Client Privilege and Work Product Doctrines to Completely Shield Their Legal Expenditures from Commission Scrutiny.

1. Attorney-Client Privilege and Work Product Doctrine Do Not Protect the Information Sought by Questions 4 and 5.

²⁹ *League of California Cities v. Superior Ct.* (2015) 241 Cal. App. 4th 976, 993.

³⁰ *Moore v. Mercer* (Ct. App. 2016) 4 Cal. App. 5th 424, 447, [209 Cal. Rptr. 3d 101, 120] (emphasis in original) (citations and quotations omitted).

³¹ *Mercury Interactive Corp. v. Klein* (2007) 158 Cal. App. 4th 60, 98, [70 Cal. Rptr. 3d 88, 116–17] (citing *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33).

³² *Dodge, Warren & Peters Ins. Servs., Inc. v. Riley* (2003) 130 Cal. Rptr. 2d 385, 391.

³³ Cal. Code Civ. Proc. § 2030.220(a), (b); *Scheinding v. Dinwiddie Const. Co.*, 69 Cal. App. 4th 64, 76 (1999) (“Parties must ‘state the truth, the whole truth, and nothing but the truth in answering written interrogatories’.”) (quoting *Guzman v. General Motors Corp.* (1984) 154 Cal. App. 3d 438, 442 [201 Cal. Rptr. 246]); Cal. Code Civ. Proc. § 2023.010(f).

The Sempra Utilities’ claims that identifying the matters for which they have retained counsel would implicate attorney-client privilege and/or the attorney work product doctrine do not withstand scrutiny. As an initial matter, neither doctrine applies to the information that Questions 4 and 5 seek. Attorney-client privilege applies to communications between attorneys and their clients, and attorney work product doctrine applies to the actual work product of the attorneys, such as documents containing attorneys’ legal opinions, notes, etc.³⁴ Questions 4 and 5 seek neither communications nor work product, advice, or analysis provided by outside counsel, but rather seek high-level, general descriptions of the matters for which the Sempra Utilities incurred the costs they seek to recover from ratepayers.

Even if work product doctrine did apply to the information sought by Questions 4 and 5, it would offer only a qualified protection since the questions do not seek any writings generated by the attorneys. The qualified protection offered by the work product doctrine allows for disclosure if denial of discovery would “unfairly prejudice the party seeking discovery in preparing that party’s claim or defense or will result in an injustice.”³⁵ In this case, denial of discovery would result in both of those outcomes. CEJA seeks this information to inform the scope of its claims in the GRC. Absent basic factual background regarding the Sempra Utilities’ requested attorney expenditures, it is impossible for CEJA—or the Commission—to assess whether these costs are properly borne by ratepayers. Further, at issue here are questions related to whether SoCalGas is using customer money to support litigation against the City of Berkeley over its efforts to reduce gas dependency and address the climate crisis. Even if SoCalGas were not misusing customer funds for this purpose, Commission acquiescence to its specious claims of privilege would mean it could shield ratepayer funded outside counsel expenses from any scrutiny, inviting future misuse of these funds. The resulting injustice is further grounds for waiving the qualified protection of the work product doctrine.

The information CEJA seeks is not different than what is provided in a privilege log. If anything, CEJA seeks information that is less detailed than what parties routinely produce in privilege logs. In a privilege log, the party claiming the privilege must provide factual information, including “a brief description of the document *and its contents or subject matter*

³⁴ Cal. Evidence Code § 954; Cal. Code of Civ. Proc. § 2018.030.

³⁵ Cal. Code of Civ. Proc. § 2018.030.

sufficient to determine whether the privilege applies.”³⁶ Here, a brief but factually sufficient description is needed to determine whether recovery of the requested expenditures is permissible. Privilege logs help to ensure that claims of privilege are proper and to avoid situations where parties make blanket claims of privilege to disrupt or evade the discovery process without scrutiny. Here, identifying the matters worked on by outside counsel serves the same purpose.

2. SoCalGas Has Claimed Attorney-Client Privilege on a Selective and Inconsistent Basis.

SoCalGas’ refusal to answer question 5(b) is inconsistent with its willingness to respond to Question 6(b), which is similarly a targeted question on whether outside counsel worked on a specific issue. While SoCalGas has asserted broad claims of privilege over Question 5(b), it answered Question 6(b) in both its initial and supplemental responses to CEJA’s Ninth Set of Data Requests, which asked whether any of the \$594,511 in ratepayer-assigned expenses for the law firm Holland & Knight LLP “include legal services related to the 2022 Title 24 Building Code.”³⁷ In its initial response, SoCalGas stated that “Holland & Knight did not represent SoCalGas in the 2022 Title 24 Building Code proceeding.”³⁸ At the meet and confer, CEJA clarified that the question was broader than simply whether the law firm had specifically represented SoCalGas in the proceeding, and SoCalGas provided a supplemental response simply stating “No.”³⁹ This supplemental response exemplifies the type of response CEJA is entitled to for its question 5(a): a high-level statement that provides relevant information in this proceeding without the disclosure of privileged information. SoCalGas has not explained why it could answer Question 6(b) but not Question 5(b), when Question 5(b) is fundamentally the same question as 6(b) but with regard to a different law firm (Reichman Jorgensen) and different legal matters. This disparate application of attorney-client privilege between questions suggests that SoCalGas is not forming its claim of privilege on principle, but rather asserting privilege when it has something to hide.

³⁶ Cal. Evidence Code § 954 (emphasis added).

³⁷ Attach. B, SEU Supplemental Response to DR CEJA-SEU-009, Q. 6(b).

³⁸ *Id.*

³⁹ *Id.*

B. CEJA’s Questions are Reasonably Calculated to Discover Admissible, Relevant Information.

The Sempra Utilities’ objections on the grounds that Questions 4 and 5 are not reasonably calculated to discover admissible information, or that the information they seek is out of scope or irrelevant to the GRC, are without merit. The central purpose of a GRC is to scrutinize the expenditures that utilities seek to pass through to their customers through rates. The Sempra Utilities are seeking recovery of the attorney expenditures in question; basic information regarding the purpose of the expenditures is squarely within the scope of, and thus relevant to, the GRC.

C. SoCalGas’ Identification of Expenditures Related to Public Litigation From 2021 Is An Insufficient Response to Question 4.

Following the meet and confer, SoCalGas agreed to provide a list of “public litigation proceedings” from 2021 for which it retained outside counsel whose costs are requested for recovery in this GRC.⁴⁰ However, per the email exchange memorializing the outcome of the meet and confer, CEJA reserved the right to pursue the matter information for attorney expenditures that are not related to public litigation as well.⁴¹ General matter information is relevant to this proceeding for all attorney expenditures, not just expenditures for attorneys who are counsel of record to the Sempra Utilities in public proceedings. SoCalGas states that CEJA can “refer to the 2021 GO-77M report for the amount of outside counsel legal costs paid to an outside counsel firm in 2021 for all matters,” but the central purpose of the question is to learn what matters SoCalGas is retaining outside counsel for at ratepayer expense, which is not answered by the GO-77M report.

The GO-77M report does not provide sufficient information to discern whether it is appropriate for ratepayers to fund SoCalGas’ outside legal expenses. CEJA is particularly concerned about legal expenses that do not correspond with outward-facing litigation given SoCalGas’ history funding third-party groups to engage in advocacy, such as Californians for Balanced Energy. Without basic information regarding the non-public legal services for which the Sempra Utilities are seeking cost recovery, the Sempra Utilities could support litigation brought by third parties to advance their interests. Indeed, if the Commission were to deny

⁴⁰ Attach. B, SEU Supplemental Response to DR CEJA-SEU-009, Q. 4.

⁴¹ Attach. D, Email from Matt Vespa to Sharon Cohen and Elliott Henry (Dec. 20, 2022).

CEJA's Motion, SoCalGas would be enabled to do so knowing that these expenses would be shielded from examination. Accordingly, the Commission should order the Sempra Utilities to provide matter descriptions for all attorney expenditures, not just those that are related to public litigation.

V. CONCLUSION

For the reasons set forth above, the Commission should grant CEJA's motion. The Commission should direct the Sempra Utilities to produce all information sought by CEJA Questions 4 and 5 forthwith.

Dated: February 1, 2023

Respectfully submitted,

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ATTACHMENT A

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Southern California Gas Company (U
904 G) for Authority, Among Other Things, to Update
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Effective January 1, 2024.

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And Related Matter.

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**[PROPOSED] RULING TO COMPEL SOUTHERN CALIFORNIA GAS COMPANY
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REQUESTED IN QUESTIONS 4 AND 5 IN CALIFORNIA ENVIRONMENTAL
JUSTICE ALLIANCE NINTH SET OF DATA REQUESTS**

In accordance with the Rules of Practice and Procedure, the assigned Administrative Law Judge has considered the *Motion of California Environmental Justice Alliance to Compel Southern California Gas Company and San Diego Gas & Electric Company to Provide Information Requested in Questions 4 and 5 in California Environmental Justice Alliance Ninth Set of Data Requests*.

The Administrative Law Judge rules as follows:

- (1) Expenses for outside counsel that utilities seek to recover from ratepayers are subject to scrutiny in a General Rate Case (“GRC”).
- (2) In order to determine the reasonableness of outside counsel expenses included in a utility’s revenue requirement, the Commission and stakeholders are entitled to basic information regarding the matters for which outside counsel was retained.
- (3) Withholding basic information regarding the matters for which ratepayer-funded outside counsel expenditures would result in injustice.
- (4) The attorney-client privilege and attorney work product doctrines do not protect from disclosure basic identification of matters for which Southern California Gas Company (“SoCalGas”) and San Diego Gas & Electric Company (“SDG&E”) incurred ratepayer-funded attorney expenditures.

- (5) California Environmental Justice Alliance's ("CEJA") requests for information regarding the matters for which ratepayer-funded attorney expenditures were incurred are relevant, within the scope of this GRC, and likely to result in the discovery of relevant and admissible evidence.
- (6) SoCalGas and SDG&E shall respond to Questions 4 and 5 in CEJA's Ninth Set of Data Requests with matter descriptions that are sufficiently detailed to determine whether they may be reasonably charged to ratepayers.

SoCalGas and SDG&E shall comply with the requirements of this Ruling no later than one week after its issuance.

Dated: _____

by _____
Administrative Law Judge

ATTACHMENT B

Data Request Number: CEJA-SEU-008

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Proceeding Number: A2205015_016 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/11/2022

Date Responded:10/25/2022

12. Page 38 of SoCalGas' 2021 GO 77-M Report identifies \$1,143,592 in expenses for the law firm Reichman Jorgensen LLP under the account number 923. Were some or all of these costs assigned to ratepayers? If only partially assigned, please indicate the amount assigned to ratepayers.

SoCalGas Response 12:

The dollar amount \$1,143,592 listed under account number 923 for the law firm Reichman Jorgensen LLP is considered a ratepayer cost.

Data Request Number: CEJA-SEU-004

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 8/15/2022

Date Responded: 8/29/2022

Partial

Questions Unrelated to Specific Testimony

41. In response to Question 2 of data request CEJA-SEU-002, SoCalGas stated that the numbers on the top row of page 32 of SoCalGas' 2020 General Order 77-M Report signify that FERC accounts that the expenses were charged to.

- a. Do each of these accounts signify that expenses are charged to ratepayers? If some of the listed expenses are charged to ratepayers and some are not, please identify all expenses on pages 32 and 33 of SoCalGas' 2020 General Order 77-M Report assigned to ratepayers.

SoCalGas Response 41a:

SoCalGas incorporates by reference its response to CEJA-SEU-002, Question 1c. SoCalGas further responds that pursuant to section 793 of the California Public Utilities Code, SoCalGas follows the Federal Energy Regulatory Commission ("FERC") Uniform System of Accounts ("USofA") to record and classify costs.

Expenses on pages 32 and 33 of the SoCalGas 2020 General Order 77-M Report relate to 2020 outside legal services. The legal expenses contained in the General Order 77-M Report and included in the SoCalGas TY 2024 General Rate Case are shown below.

| | <u>107</u> | <u>108</u> | <u>184</u> | <u>923</u> | <u>Total</u> |
|--------------------|------------------|--------------|----------------|------------------|------------------|
| Grand Total | 1,022,533 | 1,768 | 365,951 | 6,303,766 | 7,694,018 |

Data Request Number: CEJA-SEU-009

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/28/2022

Date Responded: 11/16/2022

Date Supplemented: 1/20/2023

4. Refer to Exhibit SCG-R/SDG&E-27-R at DRC-45. Please identify all matters for which SoCalGas, SDG&E or Sempra retained outside counsel in 2021 that contribute to the revenue requirement request, and the costs incurred related to each matter.

SEU Response 4:

SoCalGas and SDG&E object to this question to the extent it seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine. *See So Cal Gas Co. v. Pub. Util. Comm'n*, 50 Cal.3d 31, 39 (1990) (“[w]e conclude that the commission’s powers pursuant to the state Constitution in this context are subject to the statutory limitation of the attorney-client privilege.”). SoCalGas and SDG&E object on the grounds that it requests information that is irrelevant, outside the scope of the testimony and the information required to be reported in the GO-77M report, a matter of public record that is equally available to CEJA, and/or is unlikely to lead to the discovery of admissible evidence.

Supplemental SEU Response 4:

Upon a meet and confer session with CEJA on December 20, 2022, SEU reaffirm their original objections to CEJA-SEU-009, Question 4. SoCalGas and SDG&E further object on the grounds that it requests information that is outside the scope of the information required to be reported in the GO-77M report. Notwithstanding the foregoing objections, SEU will provide CEJA with a list of public litigation proceedings active in 2021 for which SoCalGas or SDG&E retained outside counsel to serve as counsel of record in such proceedings, where the costs of such representation are sought in the respective Company’s TY 2024 GRC revenue requirement request. The costs incurred in the prosecution or defense of such litigation proceedings by outside counsel of record are confidential and constitute attorney work product and are subject to attorney-client privilege and work product protections. Legal costs incurred in the identified proceedings have been provided on an aggregated basis where outside counsel has been retained as counsel of record in those public litigation proceedings. Please refer to the 2021 GO-77M report for the amount of outside counsel legal costs paid to an outside counsel firm in 2021 for all matters.

See Attachment: “CEJA-SEU-009 Q4 Supplemental Response”.

Data Request Number: CEJA-SEU-009

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/28/2022

Date Responded: 11/16/2022

Date Supplemented: 1/20/2023

5. The response to Data Request CEJA-SEU-08, Q.12 states that the \$1,143,592 listed under account number 923 for the law firm Reichman Jorgensen LLP is considered a ratepayer cost.

- a. Please identify the matter(s) Reichman Jorgensen LLP worked on that SoCalGas charged \$1,143,592 to account 923. If the firm worked on more than one matter, please provide a breakdown of how what portion of the \$1,143,592 was associated with each matter.

SoCalGas Response 5a:

SoCalGas objects to this question to the extent it seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine. *See So Cal Gas Co. v. Pub. Util. Comm'n*, 50 Cal.3d 31, 39 (1990) (“[w]e conclude that the commission’s powers pursuant to the state Constitution in this context are subject to the statutory limitation of the attorney-client privilege.”). SoCalGas also objects on the grounds that it requests information that is irrelevant, outside the scope of the testimony, and/or is unlikely to lead to the discovery of admissible evidence.

Supplemental SEU Response 5a:

SoCalGas reaffirms its objections to Question 5a.

Subject to and notwithstanding these objections, SoCalGas further responds as follows:

Please see the objection and responses to Question 4. The Reichman Jorgensen LLP firm provides legal advice and counsel on various environmental and litigation legal issues for SoCalGas that are protected by the attorney-client privilege and attorney work product doctrines and information about that legal representation will not be disclosed on that basis. Reichman Jorgensen LLP is not counsel of record for SoCalGas in any public proceeding responsive to this request.

Data Request Number: CEJA-SEU-009

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/28/2022

Date Responded: 11/16/2022

Date Supplemented: 1/20/2023

Question 5-Continued

- b. Do any of these costs include legal services related to potential federal preemption of local ordinances banning gas connections in new construction and/or legal challenges to local gas bans for new construction such as in *Cal. Restaurant Ass’n v. City of Berkeley* (Docket Nos. 3:19-cv-07668, N.D.Cal and 21-16278, 9th Cir.)

SoCalGas Response 5b:

SoCalGas objects to this question to the extent it seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine. *See So Cal Gas Co. v. Pub. Util. Comm’n*, 50 Cal.3d 31, 39 (1990) (“[w]e conclude that the commission’s powers pursuant to the state Constitution in this context are subject to the statutory limitation of the attorney-client privilege.”). SoCalGas also objects on the grounds that it requests information that is irrelevant, outside the scope of the testimony, and/or is unlikely to lead to the discovery of admissible evidence.

Supplemental SEU Response 5b:

Please see the objection and responses to Question 5a and Supplemental Response 5a.

Data Request Number: CEJA-SEU-009

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/28/2022

Date Responded: 11/16/2022

Date Supplemented: 1/20/2023

6. The response to Data Request CEJA-SEU-08, Q.13 states that \$594,511 in expenses for the law firm Holland & Knight LLP under the account number 923 are considered a ratepayer cost.

- a. Please identify the matter(s) Holland & Knight LLP worked that SoCalGas charged \$594,511 to account 923. If the firm worked on more than one matter, please provide a breakdown of how what portion of \$594,511 was associated with each matter.

SoCalGas Response 6a:

SoCalGas objects to this question to the extent it seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine. *See So Cal Gas Co. v. Pub. Util. Comm'n*, 50 Cal.3d 31, 39 (1990) (“[w]e conclude that the commission’s powers pursuant to the state Constitution in this context are subject to the statutory limitation of the attorney-client privilege.”). SoCalGas also objects on the grounds that it requests information that is irrelevant, outside the scope of the testimony, and/or is unlikely to lead to the discovery of admissible evidence.

Supplemental SEU Response 6a:

SoCalGas reaffirms its objections to Question 6a.

Subject to and notwithstanding these objections, SoCalGas further responds as follows:

Please see the objection and responses to Question 4. The Holland & Knight LLP firm provides legal advice and counsel on various environmental and litigation legal issues for SoCalGas that are protected by the attorney-client privilege and attorney work product doctrines and information about legal representation where the firm is not counsel of record in a public proceeding will not be disclosed on that basis. Holland & Knight LLP is not counsel of record for SoCalGas in any public proceeding responsive to this request.

Data Request Number: CEJA-SEU-009

Proceeding Name: A2205015_016 - SoCalGas and SDGE 2024 GRC

Publish To: California Environment Justice Association

Date Received: 10/28/2022

Date Responded: 11/16/2022

Date Supplemented: 1/20/2023

Question 6-Continued

- b. Do any of these costs include legal services related to the 2022 Title 24 Building Code.

SoCalGas Response 6b:

SoCalGas objects to this question to the extent it seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine. *See So Cal Gas Co. v. Pub. Util. Comm'n*, 50 Cal.3d 31, 39 (1990) (“[w]e conclude that the commission’s powers pursuant to the state Constitution in this context are subject to the statutory limitation of the attorney-client privilege.”). SoCalGas also objects on the grounds that it requests information that is irrelevant, outside the scope of the testimony, and/or is unlikely to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, SoCalGas responds as follows:

Holland & Knight LLP did not represent SoCalGas in the 2022 Title 24 Building Code proceeding.

Supplemental SEU Response 6b:

No.

ATTACHMENT C

**SOUTHERN CALIFORNIA GAS COMPANY
PAYMENTS TO OUTSIDE ATTORNEYS AND LEGAL FIRMS
FOR THE YEAR ENDED DECEMBER 31, 2019**

| LEGAL FIRM NAME | 107 | 184 | 832 | 923 | TOTAL |
|-------------------------------------|------------|------------|------------|------------|--------------|
| ALVARADO SMITH APC | \$ 2,704 | \$ 17,895 | \$ - | \$ 20,147 | \$ 40,746 |
| ANDREWS LAGASSE BRANCH BELL LLP | 8,576 | 2,824 | - | 63,895 | 75,294 |
| BARNES RICHARDSON & COLBURN LLP | 731 | 241 | - | 5,444 | 6,415 |
| BROWNSTEIN HYATT FARBER SCHRECK LLP | 18,723 | 6,164 | - | 139,494 | 164,381 |
| CHAPMAN GLUCKSMAN DEAN ROEB & | 10,467 | 3,446 | - | 77,981 | 91,894 |
| DLA PIPER US LLP | 612 | 202 | - | 4,563 | 5,378 |
| FOLEY & LARDNER LLP | 346 | 114 | - | 2,578 | 3,038 |
| GIBSON DUNN & CRUTCHER LLP | 60,126 | 19,795 | - | 447,959 | 527,880 |
| GREENBERG TRAURIG LLP | - | - | 1,325,969 | - | 1,325,969 |
| HIGGS FLETCHER & MACK LLP | 4,652 | 1,532 | - | 34,661 | 40,844 |
| HOLLAND & KNIGHT LLP | 10,174 | 3,350 | - | 75,798 | 89,321 |
| JACKSON LEWIS PC | 414 | 136 | - | 3,088 | 3,639 |
| JONES DAY | 38,755 | 12,760 | - | 288,742 | 340,257 |
| LATHAM & WATKINS LLP | 104,651 | 34,455 | 1,299,907 | 779,695 | 2,218,709 |
| LAW FIRM OF RUSSELL R JOHNSON III | 666 | 219 | - | 4,965 | 5,851 |
| LAW OFFICE OF PETER MICHAELS | 2,771 | 912 | - | 20,646 | 24,329 |
| LEVY & NOURAFCHAN LLP | 3,970 | 1,307 | - | 29,580 | 34,858 |
| LEWIS BRISBOIS BISGAARD & SMITH LLP | 432 | 142 | - | 3,217 | 3,791 |
| LIMNEXUS LLP | 6,600 | 2,173 | - | 49,173 | 57,946 |
| MORGAN LEWIS & BOCKIUS LLP | 10,839 | 3,569 | 22,891,527 | 80,756 | 22,986,691 |
| MORRISON AND FOERSTER LLP | 936 | 308 | - | 6,973 | 8,217 |
| NATIVE LAW PLLC | 33,096 | - | - | - | 33,096 |
| NIXON PEABODY LLP | 15,191 | 5,001 | 22,390 | 113,176 | 155,758 |
| NOSSAMAN LLP | 793 | 261 | - | 5,908 | 6,962 |
| OMELVENY & MYERS LLP | 415 | 137 | - | 3,090 | 3,642 |
| PASICH LLP | - | - | 2,079,855 | - | 2,079,855 |
| PAUL HASTINGS LLP | 925 | 304 | - | 6,889 | 8,118 |
| QUINN EMANUEL URQUHART & SULLIVAN L | - | - | 175,948 | - | 175,948 |
| REGULATORY LAW CHAMBERS | 1,014 | 334 | - | 7,555 | 8,902 |
| SHEPPARD MULLIN RICHTER & | 20,016 | 6,590 | - | 149,124 | 175,730 |
| SIDEMAN & BANCROFT LLP | - | - | - | 29,260 | 29,260 |
| TYSON & MENDES LLP | 72,493 | 23,867 | - | 540,100 | 636,460 |
| VENABLE LLP | 24,500 | - | - | - | 24,500 |

**SOUTHERN CALIFORNIA GAS COMPANY
PAYMENTS TO OUTSIDE ATTORNEYS AND LEGAL FIRMS
FOR THE YEAR ENDED DECEMBER 31, 2019**

| LEGAL FIRM NAME | 107 | 184 | 832 | 923 | TOTAL |
|------------------------------------|-------------------|-------------------|----------------------|---------------------|----------------------|
| WFBM LLP | 12,480 | 4,109 | - | 92,981 | 109,570 |
| WHITE & CASE LLP | 28,177 | 9,277 | - | 209,933 | 247,388 |
| WILLENKEN WILSON LOH & DELGADO LLP | 1,139 | 375 | - | 8,483 | 9,996 |
| WILSON TURNER KOSMO LLP | 23,374 | 7,696 | - | 174,148 | 205,218 |
| YOUNG & ZINN LLP | 105,340 | 34,682 | - | 784,827 | 924,849 |
| YOUNG ZINN & BATE LLP | 10,118 | 3,331 | - | 75,380 | 88,829 |
| ZUBER LAWLER & DEL DUCA LLP | 25,047 | 37,469 | - | 186,613 | 249,129 |
| TOTAL | \$ 661,264 | \$ 244,976 | \$ 27,795,597 | \$ 4,526,821 | \$ 33,228,658 |

**SOUTHERN CALIFORNIA GAS COMPANY
PAYMENTS TO OUTSIDE ATTORNEYS AND LEGAL FIRMS
FOR THE YEAR ENDED DECEMBER 31, 2020**

| LEGAL FIRM NAME | 107 | 108 | 184 | 417 | 832 | 923 | TOTAL |
|-------------------------------------|---------|-------|---------|-----------|------------|-----------|------------|
| ALVARADO SMITH APC | \$ 609 | \$ - | \$ 156 | \$ - | \$ - | \$ 3,911 | \$ 4,675 |
| ALLEN MATKINS LECK GAMBLE MALLORY | 1,987 | - | 508 | - | - | 12,763 | 15,258 |
| ANDREWS LAGASSE BRANCH BELL LLP | 1,628 | - | 416 | - | - | 10,458 | 12,502 |
| BAKER BOTTS LLP | 2,789 | - | 713 | 8,800 | - | 17,917 | 30,219 |
| BARNES RICHARDSON & COLBURN LLP | 1,615 | - | 413 | - | - | 10,379 | 12,408 |
| CRAVATH SWAINE & MOORE LLP | - | - | - | - | 194,620 | - | 194,620 |
| DLA PIPER US LLP | 822 | - | 210 | - | - | 5,278 | 6,310 |
| ENGLEMAN FALLON PLLC | 3,712 | - | 949 | - | - | 23,846 | 28,507 |
| GIBSON DUNN & CRUTCHER LLP | 182,481 | - | 46,671 | - | - | 1,172,390 | 1,401,543 |
| GREENBERG TRAURIG LLP | 2,943 | - | 753 | - | 641,497 | 18,907 | 664,099 |
| HIGGS FLETCHER & MACK LLP | 3,425 | - | 876 | - | - | 22,003 | 26,304 |
| HOLLAND & HART LLP | 76 | - | 19 | - | - | 486 | 581 |
| HOLLAND & KNIGHT LLP | 11,610 | - | 2,969 | 390,650 | - | 74,593 | 479,823 |
| HUESTON HENNIGAN LLP | 13,133 | - | 3,359 | - | - | 84,373 | 100,865 |
| JENNER & BLOCK | 24,900 | - | 6,368 | - | - | 159,975 | 191,243 |
| JONES DAY | 40,812 | - | 10,438 | - | - | 262,204 | 313,453 |
| KING & SPALDING LLP | 14,471 | - | 3,701 | - | - | 92,975 | 111,148 |
| LATHAM & WATKINS LLP | 103,292 | - | 140,109 | - | 3,758,281 | 663,620 | 4,665,302 |
| LAW FIRM OF RUSSELL R JOHNSON III | 4,772 | - | 1,220 | - | - | 30,657 | 36,649 |
| LAW OFFICE OF PETER MICHAELS | 3,112 | - | 796 | - | - | 19,992 | 23,900 |
| LEVY & NOURAFCHAN LLP | 1,351 | - | 346 | - | - | 8,681 | 10,378 |
| LIMNEXUS LLP | - | - | - | - | 10,533 | - | 10,533 |
| LOEB & LOEB | 2,441 | - | 624 | - | - | 15,684 | 18,750 |
| MOKRI VANIS & JONES LLP | 1,124 | - | 287 | - | - | 7,220 | 8,632 |
| MORGAN LEWIS & BOCKIUS LLP | 47,672 | - | 12,193 | - | 62,441,224 | 306,280 | 62,807,369 |
| NATIVE LAW PLLC | 6,496 | - | - | - | - | - | 6,496 |
| NIXON PEABODY LLP | 39,770 | - | 10,171 | - | 104,933 | 255,509 | 410,383 |
| NOSSAMAN LLP | 49,835 | 1,768 | 2,281 | - | - | 57,310 | 111,195 |
| OMELVENY & MYERS LLP | 582 | - | 149 | - | - | 3,738 | 4,468 |
| PASICH LLP | 225 | - | 2,920 | - | 1,421,506 | 1,447 | 1,426,097 |
| QUINN EMANUEL URQUHART & SULLIVAN L | - | - | - | - | 465 | - | 465 |
| REICHMAN JORGENSEN LLP | - | - | - | 1,786,838 | - | - | 1,786,838 |
| SCHILLING LAW GROUP PC | - | - | - | - | 100,522 | - | 100,522 |
| SHEPPARD MULLIN RICHTER & | 10,798 | - | 2,762 | - | - | 69,376 | 82,936 |

| | | | | | | | |
|------------------------------------|--------------|----------|------------|--------------|---------------|--------------|---------------|
| SIDEMAN & BANCROFT LLP | - | - | - | - | - | 38,866 | 38,866 |
| SULLIVAN & CROMWELL LLP | - | - | - | 186,047 | - | - | 186,047 |
| TYSON & MENDES LLP | 163,520 | - | 41,822 | - | 4,049 | 1,050,575 | 1,259,966 |
| WFBM LLP | 11,992 | - | 3,067 | - | - | 77,042 | 92,101 |
| WILLENKEN WILSON LOH & DELGADO LLP | 154,606 | - | 39,542 | - | - | 993,300 | 1,187,448 |
| WILSON TURNER KOSMO LLP | 63,999 | - | 16,368 | - | - | 411,179 | 491,547 |
| YOUNG & ZINN LLP | 24,128 | - | 6,171 | - | - | 155,015 | 185,314 |
| ZUBER LAWLER & DEL DUCA LLP | 25,809 | - | 6,601 | - | - | 165,815 | 198,225 |
| | \$ 1,022,533 | \$ 1,768 | \$ 365,951 | \$ 2,372,335 | \$ 68,677,628 | \$ 6,303,766 | \$ 78,743,981 |

**SOUTHERN CALIFORNIA GAS COMPANY
PAYMENTS TO OUTSIDE ATTORNEYS AND LEGAL FIRMS
FOR THE YEAR ENDED DECEMBER 31, 2021**

| LEGAL FIRM NAME | ACCOUNT NUMBER | | | | | | | | | |
|--|----------------|--------|--------|---------|-------|------------|---------|-------|-----------|---------------|
| | 107 | 108 | 184 | 417 | 824 | 832 | 908 | 920 | 923 | TOTAL |
| ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP | 2,615 | - | 679 | - | - | - | - | - | 19,808 | \$ 23,102 |
| ALVARADO SMITH APC | 3,213 | - | 835 | - | - | - | - | - | 24,339 | \$ 28,387 |
| ANDRADE GONZALEZ LLP | 5,405 | - | 1,404 | - | - | - | - | - | 40,940 | \$ 47,749 |
| ATKINSON, ANDELSON, LOYA, RUUD & ROMO | 5,370 | - | 1,395 | - | - | - | - | - | 40,673 | \$ 47,438 |
| AXIOM GLOBAL INC | 7,813 | - | 2,029 | - | - | - | - | - | 59,178 | \$ 69,020 |
| BAKER BOTTS LLP | 5,406 | - | 1,404 | 4,750 | - | - | - | - | 40,944 | \$ 52,504 |
| BARNES, RICHARDSON & COLBURN LLP | 121 | - | 31 | - | - | - | - | - | 918 | \$ 1,071 |
| BRB LAW | 3,346 | - | 869 | - | - | - | - | - | 25,345 | \$ 29,560 |
| CGCN LAW PLLC | 8,112 | - | 2,107 | - | - | - | - | - | 61,441 | \$ 71,660 |
| COVINGTON & BURLING LLP | 849 | - | 221 | - | - | - | - | - | 6,431 | \$ 7,500 |
| CRAVATH, SWAINE & MOORE LLP | - | - | - | - | - | 21,818 | - | - | - | \$ 21,818 |
| DLA PIPER LLP [BALTIMORE] | 786 | - | 204 | - | - | - | - | - | 5,950 | \$ 6,940 |
| ENGLEMAN FALLON PLLC | 2,677 | - | 695 | - | - | - | - | - | 20,278 | \$ 23,650 |
| GIBSON, DUNN & CRUTCHER LLP | 262,800 | - | 68,254 | - | - | - | - | - | 1,990,499 | \$ 2,321,553 |
| GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP | - | - | - | - | - | 47,905 | - | - | - | \$ 47,905 |
| GREENBERG TRAURIG LLP | 547 | - | 142 | - | - | - | - | - | 4,146 | \$ 4,836 |
| HOLLAND & HART LLP | 130 | - | 34 | - | - | - | - | - | 988 | \$ 1,152 |
| HOLLAND & KNIGHT LLP | 78,492 | - | 20,386 | 95,743 | - | - | - | - | 594,511 | \$ 789,131 |
| HUESTON HENNIGAN LLP | 7,488 | - | 1,945 | - | - | - | - | - | 56,713 | \$ 66,145 |
| JACKSON LEWIS P.C. | 843 | - | 219 | - | - | - | - | - | 6,386 | \$ 7,449 |
| JENNER & BLOCK LLP | 75,261 | - | 19,547 | - | - | - | - | - | 570,045 | \$ 664,853 |
| JONES DAY | 17,864 | - | 4,640 | - | - | - | - | - | 135,303 | \$ 157,807 |
| KING & SPALDING LLP | 3,954 | - | 1,027 | - | - | - | - | - | 29,951 | \$ 34,932 |
| LATHAM & WATKINS LLP | 630,272 | 70 | 70,159 | - | - | 780,371 | 667,683 | - | 2,046,065 | \$ 4,194,620 |
| LAW FIRM OF RUSSELL R. JOHNSON III PLC | 1,883 | - | 489 | - | - | - | - | - | 14,265 | \$ 16,638 |
| LAW OFFICE OF PETER MICHAELS | 3,093 | - | 803 | - | - | - | - | - | 23,424 | \$ 27,320 |
| LEVY & NOURAFCHAN LLP | 1,235 | - | 321 | - | - | - | - | - | 9,353 | \$ 10,908 |
| LIMNEXUS LLP | - | - | - | - | - | 10,726 | - | - | - | \$ 10,726 |
| LOEB & LOEB LLP | 8,490 | - | 2,205 | - | - | - | - | - | 64,305 | \$ 75,000 |
| MORGAN, LEWIS & BOCKIUS LLP | 30,392 | - | 7,893 | - | - | 35,475,994 | - | - | 230,195 | \$ 35,744,474 |
| NIXON PEABODY LLP | 14,300 | - | 3,714 | - | - | 19,952 | - | - | 108,311 | \$ 146,277 |
| NOSSAMAN LLP | 93,087 | 11,138 | 4,466 | - | - | - | - | 3,102 | 137,488 | \$ 249,281 |
| O'MELVENY & MYERS LLP | 2,083 | - | 541 | - | - | 8,097,949 | - | - | 15,776 | \$ 8,116,349 |
| PASICH LLP | - | - | - | - | 2,402 | 248,352 | - | - | - | \$ 250,754 |
| POLSINELLI PC | 637 | - | 166 | - | - | - | - | - | 4,828 | \$ 5,631 |
| PROSKAUER ROSE LLP [NEW YORK] | 1,634 | - | 424 | - | - | - | - | - | 12,374 | \$ 14,432 |
| REICHMAN JORGENSEN LLP | 150,985 | - | 39,213 | 335,000 | - | - | - | - | 1,143,592 | \$ 1,668,791 |
| SHEPPARD MULLIN RICHTER & HAMPTON LLP | 23,947 | - | 6,219 | - | - | - | - | - | 181,380 | \$ 211,546 |
| SIDEMAN & BANCROFT LLP | - | - | - | - | - | - | - | - | 104,209 | \$ 104,209 |
| SIMAS & ASSOCIATES LTD | - | - | - | - | - | 77,143 | - | - | - | \$ 77,143 |
| SINNOTT INVESTIGATIONS & EMPLOYMENT COUNSELING | 690 | - | 179 | - | - | - | - | - | 5,226 | \$ 6,096 |
| STEPTOE & JOHNSON LLP [DC] | 1,415 | - | 368 | - | - | - | - | - | 10,718 | \$ 12,500 |
| SULLIVAN & CROMWELL LLP | - | - | - | 602,317 | - | - | - | - | - | \$ 602,317 |
| TYSON & MENDES LLP | 76,383 | - | 19,838 | - | - | - | - | - | 578,543 | \$ 674,765 |
| WFBM LLP- WALSWORTH | 958 | - | 249 | - | - | - | - | - | 7,258 | \$ 8,466 |
| WILLENKEN LLP | 43,485 | - | 11,294 | - | - | - | - | - | 329,366 | \$ 384,145 |
| WILSON TURNER KOSMO LLP | 20,008 | - | 5,196 | - | - | - | - | - | 151,542 | \$ 176,746 |

SOUTHERN CALIFORNIA GAS COMPANY
PAYMENTS TO OUTSIDE ATTORNEYS AND LEGAL FIRMS
FOR THE YEAR ENDED DECEMBER 31, 2021

| LEGAL FIRM NAME | ACCOUNT NUMBER | | | | | | | | | |
|------------------|----------------|-----------|------------|--------------|----------|---------------|------------|----------|--------------|---------------|
| | 107 | 108 | 184 | 417 | 824 | 832 | 908 | 920 | 923 | TOTAL |
| ZUBER LAWLER LLP | 5,532 | - | 1,437 | - | - | - | - | - | 41,902 | \$ 48,871 |
| TOTAL | \$ 1,603,603 | \$ 11,207 | \$ 303,240 | \$ 1,037,810 | \$ 2,402 | \$ 44,780,208 | \$ 667,683 | \$ 3,102 | \$ 8,954,906 | \$ 57,364,162 |

ATTACHMENT D

Rebecca Barker

From: Matt Vespa
Sent: Tuesday, December 20, 2022 6:05 PM
To: ehenry@socalgas.com; slcohen@sdge.com
Cc: Rebecca Barker; Sara Gersen
Subject: RE: A.22-05-015: SoCalGas GRC Meet and Confer

Elliott –

The following is my understanding of what we agreed to at our meet and confer. I am copying all or part of each issue we discussed and the resolution as I understand it in *italics*. Please correct anything you have a different understanding of. As far as deadlines for follow up responses, my understanding is SoCalGas agreed to provide this information on a rolling basis but no later than January 11th.

- 1) Exh. SCG-23-R/SDG&E-27-R at DRC-45 identifies outside legal expenses that are assigned to ratepayers. Data Request CEJA-SEU-009, Q. 4 asks for Sempra to “identify all matters for which SoCalGas, SDG&E, or Sempra retained outside counsel in 2021 that contribute to the revenue requirement request, and the costs incurred related to each matter.” Sempra’s response to this data request objects on attorney-client privilege and relevancy grounds.

SoCalGas will identify matters where there is active litigation. CEJA reserves the right to pursue this issue further.

- 2) Data Request CEJA-SEU-009, Q. 5 similarly seeks information on the matters for ratepayer funded outside counsel Reichman Jorgensen LLP. For the reasons set forth above, SoCalGas’ objections to the high-level description of the subject matter of the work for which SoCalGas retained Reichman Jorgensen LLP are without merit.

SoCalGas will inform CEJA whether it continues to object to Question 5(b), which seeks targeted information, and if not, will provide a response to 5b.

- 3) Data Request CEJA-SEU-009, Q. 6(b) asked if the costs of ratepayer funded expenses for the law firm Holland & Knight “include legal services related to the 2022 Title 24 Building Code.” SoCalGas’ response is that “Holland & Knight LLP did not represent SoCalGas in the 2022 Title 24 Building Code proceeding.” This response uses different language than the question in this data request. Please confirm that the costs of the Holland & Knight did not “include legal services related to the 2022 Title 24 Building Code.”

With regard to Question 6(b), SoCalGas will inform CEJA whether it continues to object or can confirm that the costs for Holland & Knight did not “include legal services related to the 2022 Title 24 Building Code.”

- 4) Response to Data Request CEJA-SEU-009, Q.7 provided two contracts designed as confidential. Please explain the basis for redactions in Appendix B (Scope of Services) for Agreement No. 8860040629.

SoCalGas will determine whether information is properly redacted. From CEJA’s understanding, it was unclear whether information was redacted because it related to a scope of work that was not ratepayer funded or a scope of work that was outside the specific parameters of the DR. CEJA reserves the right to issue a subsequent data request that more broadly seeks scope of work for external contracts that is ratepayer funded.

- 5) Data Request CEJA-SEU-009, Q. 9 seeks all comment letters that the BSEP submitted to local air districts, CARB, CEC and US EPA Region 9 from January 1, 2020 to the present, including but not limited to the 37 comment letters in 2020 and the 59 comment letters in 2021 referenced in Exh. 29-R. SoCalGas has objected that this information is a matter of public record and equally available to CEJA.

SoCalGas will provide the requested comment letters.

- 6) Data Request CEJA-SEU-009, Q. 10(a) seeks communications from SCAQMD in which the agency has specifically sought information from SoCalGas related to the Indirect Source Rule (ISR). SoCalGas has objected to the request as irrelevant and overly burdensome.

SoCalGas will provide communications from January 1, 2021 where SCAQMD requested SoCalGas' participation in ISR (such as invitations to speak on a panel or requests for technical information)

- 7) Data Request CEJA-SEU-009, Q. 10(b) asks SoCalGas to "identify the number and type of FTEs SoCalGas intends to devote to its participation in the ISR development process." SoCalGas states that this question calls for speculation.

CEJA will review the workpapers and potentially follow up with an additional DR seeking information on how requested staffing levels were projected.

- 8) Data Request CEJA-SEU-009, Q. 13 seeks all communications from January 1, 2022 to the present in which local, state and/or federal policymakers requested SoCalGas specifically provide information it intends to produce with the external support it has contracted with. SoCalGas objects on relevance and as unduly burdensome.

Because SoCalGas is seeking ratepayer funding for BSEP external support, this information is relevant. With regard to unduly burdensome, CEJA can limit this request to requests for information from SoCalGas by local, state and/or federal policymakers related to the scope of services in Agreement No. 866040629 provided in response to Data Request CEJA-SEU-09, Q. 7.

SoCalGas agreed to look for communications where this information was requested by policymakers. I do not recall whether we had a date range but we can go limit this to January 1, 2021 to the present. (Please note the original DR asked for all communications from January 1, 2020, I mistakenly put this as January 1, 2022 in my meet and confer email.

- 9) Data Requests CEJA-SEU-07, Q.7 and 9 and CEJA-SEU-09, Q. 23 and 25 seek a response from SoCalGas and SDG&E on if and when it will update its GRC Application to account for Commission elimination of gas line extension allowances. SoCalGas and SDG&E's responses have been evasive. Please state if SoCalGas & SDG&E will or will not update their testimony to account for the Commission's change in LEA policy and if so, by what date.

SoCalGas will provide this information and confirm SDG&E will provide same.

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From: Matt Vespa

Sent: Thursday, December 8, 2022 4:06 PM

To: ehenry@socalgas.com; slcohen@sdge.com

Cc: Rebecca Barker <rbarker@earthjustice.org>; Sara Gersen <sgersen@earthjustice.org>

Subject: A.22-05-015: SoCalGas GRC Meet and Confer

Elliott –

CEJA would like to meet and confer sometime late next week or early the following week regarding SoCalGas responses (and one SDG&E response) to CEJA Data Request CEJA-SEU-09 in SoCalGas/SDG&E's GRC Application. Please provide some times you are available.

The following identifies our concerns with your responses. Thanks, Matt

- 1) Exh. SCG-23-R/SDG&E-27-R at DRC-45 identifies outside legal expenses that are assigned to ratepayers. Data Request CEJA-SEU-009, Q. 4 asks for Sempra to "identify all matters for which SoCalGas, SDG&E, or Sempra retained outside counsel in 2021 that contribute to the revenue requirement request, and the costs incurred related to each matter." Sempra's response to this data request objects on attorney-client privilege and relevancy grounds.

First, Sempra's objection that the question "seeks communications or other materials that are subject to the attorney-client privilege and/or the work product doctrine" misrepresents the information sought in this data question. This data request does not seek communications, nor does it seek work product, advice, or analysis provided by outside counsel to Sempra. The question requests that Sempra identify the matters for which outside counsel was retained. This is exactly the type of high-level information that is routinely disclosed in privilege logs and not considered privileged. *See, e.g., Cataline Island Yacht Club v. Sup. Ct.* (2015) 242 Cal.App.4th 1116, 1130 ("a privilege log typically should provide the identity and capacity of all individuals who authored, sent, or received each allegedly privileged document, the document's date, a brief description of the document and its contents or subject matter sufficient to determine whether the privilege applies, and the precise privilege or protection asserted.").

With regard to Sempra's relevance objection, SoCalGas seeks recovery of costs for this legal representation. Basic factual information regarding what the subject matter of the representation and its total cost is necessary to determine whether these costs are appropriately recovered through rates.

- 2) Data Request CEJA-SEU-009, Q. 5 similarly seeks information on the matters for ratepayer funded outside counsel Reichman Jorgensen LLP. For the reasons set forth above, SoCalGas' objections to the high-level description of the subject matter of the work for which SoCalGas retained Reichman Jorgensen LLP are without merit.
- 3) Data Request CEJA-SEU-009, Q. 6(b) asked if the costs of ratepayer funded expenses for the law firm Holland & Knight "include legal services related to the 2022 Title 24 Building Code." SoCalGas' response is that "Holland & Knight LLP did not represent SoCalGas in the 2022 Title 24 Building Code proceeding." This response uses

different language than the question in this data request. Please confirm that the costs of the Holland & Knight did not “include legal services related to the 2022 Title 24 Building Code.”

- 4) Response to Data Request CEJA-SEU-009, Q.7 provided two contracts designed as confidential. Please explain the basis for redactions in Appendix B (Scope of Services) for Agreement No. 8860040629.
- 5) Data Request CEJA-SEU-009, Q. 9 seeks all comment letters that the BSEP submitted to local air districts, CARB, CEC and US EPA Region 9 from January 1, 2020 to the present, including but not limited the 37 comment letters in 2020 and the 59 comment letters in 2021 referenced in Exh. 29-R. SoCalGas has objected that this information is a matter of public record and equally available to CEJA.

In its testimony, SoCalGas specifically references comment letters as a justification for its request. This comment letters support SoCalGas’ testimony and should be provided upon request. CEJA also does not have knowledge of the various dockets SoCalGas may have submitted comments on to various agencies. It is far more burdensome for CEJA to attempt to locate these documents.

- 6) Data Request CEJA-SEU-009, Q. 10(a) seeks communications from SCAQMD in which the agency has specifically sought information from SoCalGas related to the Indirect Source Rule (ISR). SoCalGas has objected to the request as irrelevant and overly burdensome.

With regard to relevancy, SoCalGas is seeking ratepayer funding for engaging in the SCAQMD Indirect Source Rule development at railyards and ports, stating that “EP staff will attend meetings, work with SoCalGas business areas and SCAQMD staff, and write comment letters in proceedings as they develop over the next 3 to 5 years to ensure natural gas customers are considered.” (Exh. SCG-29-R at SPM-34).

In order to determine whether SoCalGas’ revenue requirement request is reasonable, the Commission will need to determine whether the request includes costs that should be booked to shareholder-funded accounts such as FERC account 426.4. Under FERC regulations, utility provision of information to a public official “for the purpose” of influencing the outcomes of their decision is lobbying, the costs of which are not appropriately assigned to ratepayers. 18 CFR 367.4264(a). A recent Oregon PUC decision reduced request Northwest Natural Gas expenses for its Community and Government Affairs Team on the grounds that its communications included efforts to influence city of county officials and therefore constitute political lobbying. The Commission stated that “Going forward, we expect NW Natural to provide detailed expense information that clearly categorizes its activity. NW Natural should be clear whether it is engaging, for example, *primarily in an informational capacity in response to local government requests for assistance in developing and meeting climate policies, versus engaging with local governments with an intention to advocate against particular policies and develop support for others.*” Oregon PUC, Order 22-388, In Matter of Northwest Natural Gas, Request for a Generate Rate Revision (Oct. 24, 2022). Understanding the extent to which SCAQMD is requesting assistance from SoCalGas in ISR development is relevant to determining whether these costs should be borne by ratepayers.

With regard to being unduly burdensome, CEJA is only seeking requests from SCAQMD to SoCalGas on this narrow issue. CEJA can further limit this request to communications from SCAQMD to SoCalGas from January 1, 2021 to the present.

- 7) Data Request CEJA-SEU-009, Q. 10(b) asks SoCalGas to “identify the number and type of FTEs SoCalGas intends to devote to its participation in the ISR development process.” SoCalGas states that this question calls for speculation. The Commission cannot properly evaluate SoCalGas’ request for revenue for its Energy Policy activities without information regarding how SoCalGas developed its revenue forecast for these activities, including the forecasted costs of engaging with the SCAQMD on the Indirect Source Rule. If SoCalGas cannot

provide this specific information, please explain how SoCalGas arrived at the forecasted costs for the Energy Policy team.

- 8) Data Request CEJA-SEU-009, Q. 13 seeks all communications from January 1, 2022 to the present in which local, state and/or federal policymakers requested SoCalGas specifically provide information it intends to produce with the external support it has contracted with. SoCalGas objects on relevance and as unduly burdensome.

Because SoCalGas is seeking ratepayer funding for BSEP external support, this information is relevant. With regard to unduly burdensome, CEJA can limit this request to requests for information from SoCalGas by local, state and/or federal policymakers related to the scope of services in Agreement No. 866040629 provided in response to Data Request CEJA-SEU-09, Q. 7.

- 9) Data Requests CEJA-SEU-07, Q.7 and 9 and CEJA-SEU-09, Q. 23 and 25 seek a response from SoCalGas and SDG&E on if and when it will update its GRC Application to account for Commission elimination of gas line extension allowances. SoCalGas and SDG&E's responses have been evasive. Please state if SoCalGas & SDG&E will or will not update their testimony to account for the Commission's change in LEA policy and if so, by what date.

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